

CHARTER
AND
BY-LAWS,
OF THE
INDEPENDENT MUTUAL
FIRE INSURANCE
COMPANY.

FRANKFORD:
AXE & CO., PRINTERS, 90 MAIN ST.

1862.

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AN ACT.

To amend and extend the charter, of the Independent Mutual Fire Insurance Company, of Philadelphia, Montgomery, and Bucks counties.

SEC. 1. *Be it enacted, by the Senate, and House of Representatives, of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same.* That Thomas Tomlinson, William B. Comly, George W. Rhawn, Watson Comly, Silas Tomlinson, John Smith, William Lukens, Jacob P. Tyson, Thomas Williams, George K. Heller, Casper Roads, Henry W. Ditman, and Charles Robbins, and such other persons as are, or may be hereafter associated with them, under the authority of this act, owners of property in parts of Philadelphia, Montgomery, and Bucks counties; including the townships of Byberry, Moreland, Lower Dublin, Delaware, Bristol and Oxford; (except the borough of Frankford,) in Philadelphia, Northampton, Southampton, Bensalem, Middletown and Bristol townships; except the borough of Bristol, in Bucks county; Moreland, Abington, Cheltenham, Springfield, Upper Dublin, and Horscham townships, in Montgomery county; their successors and assigns, are hereby made a corporation by the name and style, of the Independent Mutual Fire Insurance Company, and

they and their successors, are hereby made a body politic, and corporate in law, with all the legal incidents of a corporation aggregate, and the said corporation shall not hold any property, except what may be absolutely necessary for the transaction of their corporate business ; nor shall any by-laws be enacted, by said corporation, repugnant to this instrument to the constitution of the United States or this Commonwealth.

SEC. 2. That the power of this association, shall be vested in thirteen managers, to be chosen by ballot annually ; on the first Monday of September, at an annual meeting of the Company, to be held, and each member to be entitled to one vote only, and that no proxy votes shall be given.

SEC. 3. That each insurer in or with the said Company, shall be a member thereof, during the term of his or her policy, and no longer.

SEC. 4. That the general meetings of this Company, shall be held annually on the first Monday of September, at some convenient place, and also whenever called by the Board of Managers, or whenever requested by twenty members ; and the members shall, at such general meetings, pass all by-laws, rules and regulations, necessary for the well government of the affairs of the Corporation, or vest the power so to do in the Board of Managers ; and all elections shall be by ballot, each member entitled to one vote ; the said election to be con-

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ducted by three judges, chosen by the members present for the purpose, who shall certify under their hands the result of said election, and the same shall be filed with the papers of the Corporation. The Managers for the time being, shall choose, from among their own members, one to be President, and shall from time to time, as it may be necessary, choose a Treasurer, also appoint a Secretary, and such other agents and officers as may be necessary, and fix their respective fees and salaries, and require such bonds for the faithful discharge of the duties assigned, as may be deemed necessary, or the interest of the Company may require; and shall have full power to suspend, remove, or displace, any such officer or agent of the Company, and supply any such vacancy which may happen by death, removal or resignation from among their own members, until the next election. And shall procure a book or books, wherein shall be fairly and legibly entered all the transactions of said Board of Managers which books shall at all times be open for the inspection of the members of said Corporation, and a copy or copies thereof, signed by the President and attested by the Secretary, for the time being, shall be deemed and taken as legal evidence against the said Corporation, as the transactions of said Board of Managers, a copy of which shall be furnished at the request of any member; and said officer shall, at the annual meetings of the members present to the Company, a general and detailed statement of its affairs.

SEC. 5. That the President and Managers shall have full power, on behalf of said Corporation, to make insurances against losses by fire, on any house, tenement, manufactory, barn, or other buildings, and on goods, wares, merchandise, and effects, and household furniture therein ; and on hay, grain, and other agricultural products, in barns, stacks, or otherwise ; and generally on all kinds of goods, wares and merchandise and effects, (except books of account, bills, bonds, ready money, jewels, plate, paintings, engravings, powder and powder mills, distilleries, print works, cotton, woollen, and varnish manufactories ;) to make, execute, and perfect, such and so many contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the case shall or may require ; and every such contract, agreement and policy, to be made by the said Corporation, signed by the President, and attested and signed by the Secretary ; and also shall be signed by the party insured. And the President and Managers are hereby empowered to have made, and to procure a seal with such device as they may deem proper, to be used by them as the common official seal of the Company.

SEC. 6. That no money shall be drawn from the funds, of the said Company, for the purpose of making dividends, or dividing profits ; nor for other purpose, than first to defray the current, or incidental charges, of the corporation ; and then for the purpose of paying such

damages, as any member, of said Company, or insurer, may be justly entitled to, and when the just demand, of any insurer, in said Company, or member thereof, shall exceed the amount of its available funds on hand, such sums, as shall be necessary to pay, the same shall, without unnecessary delay, be assessed by any three of the Managers, appointed by the President, on the insurances, each member to pay in proportion to the amount he has insured, and publish the same, and all and every of the members, of the Company, shall pay into the hands of the Treasurer, his her or their proportionate parts of such rates, within sixty days, after such publication, as aforesaid and in default thereof, shall be proceeded against, according to the provision of this act.

SEC. 7. That in default of the payment of rates as mentioned, and provided by this act, it shall be lawful, for the President, Managers, and Company, to proceed and collect the same, as debts of like amount, are now collected by law, without stay of execution; and if any member shall refuse or neglect, to pay his or her or their respective tax, or assessment, for the space of sixty days from the time public notice is given of, the time, and place, for the payment of the same, his, her or their insurance shall be suspended, and his, her or their property, shall not be protected, by said Company, until said tax or assessment, is paid, and in the case of all delinquents, when a tax is laid, or assessment made, and the sixty days having

expired, the Treasurer shall have power to collect, or to appoint one or more suitable persons, to complete the collections, and ten per cent may be added for compensation, for collecting, public notice of this clause to be given, when advertising an assessment made, and how the same will be collected.

SEC. 8. That all and every of the members of this Company, who shall sustain any loss by fire, shall give notice in writing, within ten days to the President, or Secretary of said Company, who shall appoint a committee of three from the board of Managers, that shall examine and assess said damages, and report the same to the board of Managers within two weeks from the time of their receiving information of their appointment; and the said managers shall, with all convenient expedition, immediately after receiving said report and ascertaining the sum, which said parties shall be lawfully entitled to make provision and payment as herein is specified; and in case any difference, or dispute should arise, between the insured and the officers of the Company, concerning any loss or damage that may be sustained, all matters at variance may be submitted to the judgment, and determination of arbitrators, indifferently chosen by the parties in the usual way; and whose award in writing, signed by a majority of the arbitrators, shall be final and conclusive between the parties, otherwise the party aggrieved may have redress by law, as hereinafter mentioned.

SEC. 9. That the members shall, at their

general meetings, fix such rates of insurance and incidental charges and fees, as may be deemed equitable and proper, or vest the power so to do in the board of Managers ; and any person who shall become a member of this Corporation, by effecting insurance therein, shall the first time he effects insurance, and before he or she receives his or her policy, pay the rates that shall be fixed and determined upon, and no premium so paid shall ever be withdrawn from said Company, during the continuance of its charter.

SEC. 10. That in case any insured named in any policy or contract of insurance, made by the said Corporation, shall sell, convey or assign the subject insured, it shall be lawful for such assured to assign and deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefits of such policy or contract of insurance, and may bring and maintain a suit in his or her own name. *Provided*, that before any loss happens, he or she shall obtain the consent of the President or Secretary to such assignment, and have the same endorsed on or annexed to such policy or contract of insurance, to be according to the aforesaid directions for that purpose and not otherwise. *Provided further*, That the transfer or assignment be approved by the President or Secretary within thirty days, from the time such assignment has been made.

SEC. 11. That if at any time, it shall appear that the chartered privileges hereby granted, are injurious to the public welfare, the

power therefore to repeal shall not affect any engagement, to which the said Company may have become a party previously thereto, and that the said Company, shall have a reasonable time to bring their accounts to a final settlement.

SEC. 12. That the first thirteen named persons in this act shall constitute the first Board of Managers, with power to organize the Corporation, and appoint a President, and other officers and agents, agreeably to the spirit of this act, and to hold their power and authority until the next election, as is herein provided, with all the powers contemplated to be vested in the Board of Managers, elected by the Company under the authority of this act.

SEC. 13. That suits at law may be prosecuted and maintained, by any member against the Corporation for loss or damage sustained by them, on property insured, if payment is withheld more than ninety days after the Company is notified of such loss or damage, and the amount of the same has been determined.

SEC. 14. That this Corporation shall confine its business within the counties of Philadelphia, Montgomery and Bucks, and within the limits herein before mentioned; *Provided*, That the majority of the members present, at any annual meeting, may have authority to extend their limits, within the said counties, the intention so to do being first advertised three weeks previous to such extention, by handbills and advertisements, in one newspaper in each of said counties, and not otherwise.

BY-LAWS.

ARTICLE I.

Buildings and other property may be insured by the owners thereof, Provided application had not been made, previously for insurance in a Stock Company. Neither shall any building be insured, where any attachment thereto is insured in another Company.

ARTICLE II.

The real estate belonging to the members of said Company, such as houses, mills, barns, shops, and other buildings, shall be valued at their actual cash value. Personal property belonging to the members of said Company, such as household furniture, store goods, the contents of mills, barns and other buildings, (powder mills, print works, distilleries, woolen, cotton, linen and varnish factories, excepted) may be covered by the Company. If steam is used in the building, two of the Surveyors of the Company shall be employed, who shall examine the premises, and if they find the furnaces safely constructed shall certify the same to the Secretary, and shall be paid \$2 each for their services by the party insured.

ARTICLE III.

All property shall be *actually* surveyed by one of the authorized surveyors of said Company, who shall make from actual inspection and survey, a correct and detailed statement

of the size, construction and situation of any property he may be called to survey, together with a valuation thereof, and furnish the same to the Secretary of the said Company.

ARTICLE IV.

All real estate may be insured for three-fourths of its actual cash value : and all personal property for two-thirds of its actual cash value.

ARTICLE V.

The insurance to be perpetual, and in all cases of loss or damage by fire, the Managers appointed by the President shall determine the amount of loss or damage, which shall forthwith be assessed on the members according to the amount stipulated in their respective policies.

ARTICLE VI.

No member can withdraw from said Company until he pays all arrearages and liabilities falling due up to the hour of such withdrawal which is to be entered on the Secretary's books, and the policy cancelled.

ARTICLE VII.

It shall be the duty of the insured on any building in which a fire is kept, to prepare a place made of stone, iron, or brick, to contain the ashes, within thirty days from the time of obtaining such insurance, otherwise the policy shall be void.

ARTICLE VIII.

Any loss or damage that may happen build-

ings that are improved, either by repairing or rebuilding the same, cannot claim a greater amount than the rate of valuation contained in their policy.

ARTICLE IX.

No person shall be remunerated for any loss or damage by fire, if it can be proved that it occurred through the design of the insured.

ARTICLE X.

The premium of policies shall be at the rate of one dollar to the thousand insured, to be paid on the delivery of the policy, or a receipt for the same, after which payment no subsequent tax shall be levied except to cover actual loss or damage by fire, that may fall upon the members of the Company.

ARTICLE XI.

The Managers shall procure a sufficient number of copies of the Constitution and By-Laws, for the members. Also, the necessary blank policies and books, for the records of the Company.

ARTICLE XII.

The Secretary shall keep a true and fair account of all matters touching the interest of the Company, make all entries, fill up all policies, record the same, make out all rates and levies, and prepare the Managers' annual statement.

ARTICLE XIII.

Every person on application for membership,

shall pay the authorized agent one dollar for defraying the incidental expenses of the Company.

ARTICLE XIV.

Any member insuring in other companies covered in part by this Company, his or her policy shall be considered sunk. *Provided*, The same is not approved by this Company, and endorsed on his, her or their policy, in which case this Company shall be only liable to the payment of a rateable proportion of any loss or damage which may be sustained.

ARTICLE XV.

No building shall be insured for more than *five thousand dollars*, by this Company; nor shall any one risk on personal property exceed *five thousand dollars*.

ARTICLE XVI.

All policies issued by this company shall bear the Company's seal, and be signed by the President—the insured, attested and signed by the Secretary.

ARTICLE XVII.

The Treasurer shall pay out no money, except on the order of the Managers, signed by the President and attested by the Secretary.

ARTICLE XVIII.

The Managers of this Company shall always stand and be indemnified and saved harmless by this Company, in and for their giving and

signing policies and all their other lawful acts, deeds, and transactions done, performed and executed, in pursuance of, and by virtue of these presents ; and the securities and effects of this Company shall, in the first place, be appropriated and applied, and the same is and are hereby declared to be appropriated to exonerate, and discharge, indemnify and save harmless, these and every of them, of and from all such costs, charges, damages, and expenses, which shall or may happen or arise, or which they or any of them shall reasonably expend, or be but into, or sustain in, for or concerning the duties aforesaid, or any of them, or the execution or performance thereof ; nor shall any of said Managers be answerable for the defaults, neglects or misdoings of the others of them.

ARTICLE XIX.

The Managers are hereby authorized to make such other By-Laws and Regulations as are necessary to carry out the object of the Association, which are not repugnant to the foregoing Constitution and By-Laws.

ARTICLE XX.

Any member disposing of his, her or their property, insured by this Company, shall make the transfer of the policy of insurance on or before the delivery of the deed ; otherwise the policy will be considered void by this Company.

ARTICLE XXI.

Damage by fire shall be valued by the com-

mittee appointed therefor, at the actual amount of damage sustained, without reference to that which was not destroyed, provided they do not exceed the whole amount of insurance thereon.

ARTICLE XXII.

Live stock of every description may be insured from loss by fire, and horses shall not be insured at more than one hundred and fifty dollars, and cattle at more than Thirty dollars each.

ARTICLE XXIII.

At general meetings of the Company, held September 5th, 1843, March 18th, 1844, and September 3, 1849, it was resolved that the Townships of Cheltenham, Upper Dublin, Springfield and Horsham, in Montgomery County; the Township of Oxford (except the Borough of Frankford) and Bristol Township, in Philadelphia County; and the Townships of Northampton and Bristol (except the Borough of Bristol) in Bucks county, be included within the limits of this Company.

ARTICLE XXIV.

The Managers shall be at liberty to offer such rewards, for the detection and conviction of incendiaries, as they may deem expedient.

ARTICLE XXV.

The Managers shall hold every member responsible for their share of any loss that may occur, previous to their giving up their Policy to the Secretary to be cancelled.

ARTICLE XXVI.

Horses, vehicles and harness, insured in this Company, shall be covered by such insurance, if destroyed by fire within Bucks, Philadelphia, and Montgomery counties.

ARTICLE XXVII.

The surveyors shall receive two dollars per day to be paid out of the funds of the company. The Secretary shall be entitled to 25 cts for each policy—25 cts. for a transfer, 25 cts for cancelling a policy, and 25 cts. for each alteration on a policy to be paid by the party insured—For appraising loss by fire the committee shall receive one dollar each out of the funds of the company for their services.

ARTICLE XXVIII.

At the request of 10 members made to the Secretary in writing, at least one month previous to the annual meeting stating their intention of offering an amendment to the By-Laws of the Company and specifying the same, the Secretary shall in the notice of said meeting publish the amendment so proposed and no amendment to the By-Laws shall be enacted, unless notice be given and publication made as aforementioned.